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UNCLAS SECTION 01 OF 12 DUSHANBE 000170

SENSITIVE
SIPDIS

DEPARTMENT FOR G/TIP, G-LAURA PENA, INL, DRL, PRM, SCA/RA

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SUBJECT: 2010 TRAFFICKING IN PERSONS REPORT FOR TAJIKISTAN

REF: STATE 2094

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¶1. (U) Enclosed is Embassy Dushanbe's submission for the 2010 Trafficking in Persons Report. As outlined in reftel, we have paraphrased the text of each question and then provided answers based on discussions with non-governmental organizations, Tajik authorities, and other relevant officials.

¶2. (SBU) Answers to questions from reftel:

PARAGRAPH 25: Tajikistan's TIP Situation

¶A. What are the sources of information on trafficking in persons?

Information in this report is from government sources, international organizations, NGOs and media reports. IOM is the most reliable source of information on trafficking in

Tajikistan, and has developed a close working relationship with the government. Government sources were reliable, but could not provide some of the specific information we sought. The

Government of Tajikistan is generally plagued by poor coordination, however, so some information, including statistics, should be treated with a degree of skepticism.

Information from OSCE, NGOs and media reports was helpful, but often not specific or in depth.

¶B. Is the country a country of origin, transit, and/or destination for internationally trafficked men, women, or children?

Tajikistan is a source country for women trafficked for the purposes of commercial sexual exploitation primarily to the

United Arab Emirates (U.A.E.) and Russia, often through

Kyrgyzstan. There have been reports that women also were trafficked to Turkey. Men are trafficked to Russia and, to a lesser extent, Kazakhstan, for labor exploitation, primarily in the construction and agriculture sectors.

There was evidence that men were trafficked to Pakistan and Afghanistan for labor exploitation. In one case, after a trafficker recruited a man in a Dushanbe market, the trafficking victim was in Afghanistan within six hours.

There are some instances of internal trafficking, primarily of children. The Ministry of Internal Affairs referred to IOM a fourteen-year old girl who was internally trafficked for the purposes of sexual exploitation. IOM provided the victim shelter and reintegration assistance and cooperated with the authorities' criminal investigation. The government assisted by providing medical support and reintegration into a local school.

There are no reliable statistics on the number of victims.

IOM estimates that the actual number of sexual trafficking victims may be around 100, but could be higher. IOM also has estimated that a significant percentage of the country's estimated 1 million labor migrants is subject to some form of labor exploitation, mostly after arrival in the Russian Federation.

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The most common form of trafficking is labor exploitation of Tajik men by employers in the Russian Federation. Employers often refuse to pay migrants. Many labor exploitation victims have reported that Russian officials have did not provide them assistance when they reported such issues. After working in Russia, many Tajik men return to Tajikistan with little or no money earned from their labor.

There were reports that the use of forced child labor used during the annual cotton harvest decreased in 2009 following a presidential decree, issued in April, ordering implementation of a ban on the use of child labor in the harvesting of cotton; however, isolated cases of forced child labor occurred. Government officials did not close schools to organize and deploy children to harvest the cotton fields, as was the case in previous years. There were, however, reports that a small number of school officials in remote areas directed children to bring a bag of cotton to the school. Young children continued to be employed in the cotton harvest outside of school hours, mostly to earn money for their families.

In Sughd Oblast, government officials ordered state employees, including doctors and teachers, to pick cotton for up to 15 days in lieu of their regular duties. Some teachers were ordered to work for local cotton farmers after school and during the weekend. Teachers were to be paid per kilo of cotton picked, but some teachers reported that they did not receive any compensation for their work picking cotton.

The government announced that farmers are free to farm crops of

their choosing during the 2009 growing season, following a 2008 presidential pronouncement aimed to reform the country's agricultural sector. As a result, farmers allotted 20% less land for cotton cultivation. In some cases, however, local officials continued to force farmers to grow and pick cotton.

1C. What kind of conditions are the victims trafficked into? -

Tajiks are able to travel to Russia without a visa, but to be employed legally workers must obtain a Russian work permit after arrival. Many Tajiks do not obtain this permit and work for employers who hire undocumented employees. Some employers promise to document Tajik migrants, but never follow through. Tajiks who do not obtain work permits are particularly vulnerable to exploitation by employers and Russian law enforcement officials. Victims of labor exploitation are often subjected to poor or unsanitary work conditions and either receive minimal compensation or none at all.

Victims of sex trafficking are lured to destination countries with promises of a job, only to find out that the job does not exist, or that the conditions are significantly worse than expected. They often hand over their travel documents to traffickers, making their escape from servitude more difficult.

Victims of sex trafficking often find themselves in brothels, forced to perform commercial sex acts with up to 9 or 10 customers per day. Traffickers justify withholding payment to victims by informing them that they have to "work off" the debts incurred by bringing the victim to the destination country. The period of servitude can last months or years.

1D. Vulnerability to TIP: Are certain groups of persons more at risk of being trafficked?

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Young women in rural areas are at particular risk of being trafficked for sexual purposes, due to lack of information and educational or professional opportunities.

Young men throughout the country are at particular risk of being trafficked for labor purposes, given the lack of employment options and poor economic conditions.

1E. Traffickers and Their Methods: Who are the traffickers/exploiters?

The majority of sex traffickers are individuals who have some contact with members of larger organized crime rings based in destination countries. The trafficking process usually starts with a recruiter representing travel or employment agencies that communicate false or misleading job prospects, or assist in obtaining false passports and travel documents. Collaborators in the receiving country prepare accommodations and use their connections to force the victim into work.

Traffickers target socially and economically vulnerable people in all parts of Tajikistan. The Sughd region leads the country in the number of trafficking cases reported. The region's proximity to Kyrgyzstan makes it easy for traffickers to move victims across the border and on to other international points. Buses travel from the Sughd Oblast city of Khujand to Bishkek, Kyrgyzstan by a direct overland route. From Bishkek, trafficking victims can easily be moved to Kazakhstan and Russia. There were anecdotal reports that in the small town of Hissar, outside of Dushanbe, traffickers approached young, attractive girls with offers to arrange well-paying jobs as domestic servants abroad.

Labor traffickers post advertisements for job opportunities in Kazakhstan and Russia to recruit victims. Many labor migrants are recruited by fellow Tajiks who arrange their employment with a Russian company. IOM reports that, in many labor trafficking cases, Tajik laborers were exploited by their compatriots.

Most observers noted that the overall level of labor coercion by school officials during the cotton harvest declined significantly from 2008, but NGOs that monitored the cotton harvest reported several cases. In the Khatlon region, a teacher told children that if they did not participate in the cotton harvest, they should bring a few kilograms of cotton as their contribution. Teachers in the small town of Pakhtabad, near the Uzbek border, told students (falsely) that the President ordered them to pick cotton left in the fields at the end of the season and threatened some children with expulsion if they did not comply.

PARAGRAPH 26: Background to Government's Anti-TIP Efforts

1A. Does the government acknowledge that trafficking is a problem in the country?

The Government of Tajikistan recognizes that trafficking is a problem, and it has taken steps to combat it. In May 2006, the government passed the "Complex Program to Combat Trafficking in Persons in Tajikistan 2006-2010." The Inter-Agency Commission to Combat Trafficking in Persons oversees implementation of this program, which includes benchmarks on material assistance, training, and coordination. President Rahmon said, in his January 30 nationally televised address, "an unpleasant and

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disgraceful phenomenon that is rapidly spreading in our society is human trafficking".

The government engages the USG and many other donors on anti-TIP programming and is generally open to USG initiatives to combat TIP. The government recognizes TIP as an issue affecting men trafficked into labor exploitation and women trafficked into sexual exploitation. They are less willing to engage on internal labor issues, such as coerced labor during the cotton campaign, and deny that coerced labor occurred during the 2009 cotton harvest. Officials have cited the President's April 2009 decree to conclude that the issue of forced/child labor during the cotton harvest is no longer a problem, rather than following up to ensure remaining holdouts are dealt with.

1B. Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

The Interdepartmental Commission for Combating Human

Trafficking coordinates the government's efforts to combat trafficking. The Commission has not had a Chairman since February, 2009, but a secretary detailed from the president's administration has coordinated Commission activities.

The Ministry of Interior's Trafficking in Persons Unit, which is functionally a part of the Ministry of Interior's Organized Crime Section, investigates trafficking cases. The Prosecutor General's Office is responsible for preparing criminal cases for trial, and judges try the cases. Representatives of the Ministry of Foreign Affairs are responsible for helping to identify and assist victims abroad. The State Committee on National Security has law enforcement responsibilities and manages the Border Guards. The Ministry for Labor and Social Welfare is responsible for ensuring that victims receive assistance.

1C. What are the limitations on the government's ability to address this problem in practice?

Endemic corruption that pervades all aspects of life in the country. The Tajik authorities do not investigate or prosecute corrupt officials and their associates who control much of Tajikistan's economy. Government agencies - including those combating trafficking - are poorly managed, and there is high turnover in jobs requiring specialized knowledge.

As one of the world's poorest countries, Tajik authorities claim there is little or no funding for programs or initiatives. The Ministry of Interior's Anti-TIP unit is allotted one government vehicle and 20 liters of petrol per month, enough to fill half a tank. This is typical of law enforcement units in general and such scarce resources are by no means limited to the anti-TIP unit. Tajikistan's increasingly conservative social norms are disincentives for women to admit that they were involved in commercial sex work. Tajikistan's desperate economic situation is a disincentive for Tajiks to report on those who helped them secure work abroad.

1D. To what extent does the government systematically monitor its anti-trafficking efforts and periodically make available its assessments of these anti-trafficking efforts?

The Interdepartmental Commission for Combating Human Trafficking coordinates the work of all government agencies fighting

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trafficking and oversees the government's Complex Program to Combat Trafficking in Persons. The Commission meets regularly to assess anti-trafficking efforts and coordinate with international organizations and NGOs. The Commission allows representatives of the international community, including IOM, EmbOffs, and NGO representatives, to attend Commission meetings. Nevertheless, the Office of the Chairman of the Commission is limited in how much it can monitor some key agencies and is currently without a Chairman (see Paragraph 26 B). The State Committee on National Security and the Prosecutor General's

Office resist scrutiny of their work.

In August, 2009, the TIP Commission met to discuss implementation of the President's decree against child/forced labor. The Commission stated that it disseminated the President's order to local officials.

In October, the Commission provided the Embassy an extensive report of its activities. The Committee has provided several additional reports on the government's anti-TIP efforts at the Embassy's requests.

1E. What measures has the government taken to establish the identity of local populations, including birth registration, citizenship, and nationality?

The government issues birth certificates, marriage certificates, and passports to Tajik citizens, but many citizens in rural areas do not request or obtain these civil documents. Some Tajiks, especially in religious or rural areas, conduct marriages at a mosque but do not obtain civil documentation. A rise in polygamy (banned but increasingly practiced) has led to an increase in unregistered marriages.

1F. To what extent is the government capable of gathering the data required for an in-depth assessment of law enforcement efforts? Where are the gaps? Are there any ways to work around these gaps?

The government is plagued by disorganization and lacks technology and expertise to compile and analyze data for an in-depth assessment of law enforcement's anti-TIP efforts. The Committee on National Security monitors and tracks trans-border movement, but resists sharing its information with other agencies.

PARAGRAPH 27: Investigation and Prosecution

1A. Existing Laws against TIP:

Article 130.1 of the Criminal Code defines trafficking as the "purchase or sale of a person with or without consent through deception, recruitment, harboring, transportation, kidnapping, fraud, abuse of vulnerable condition, bribery to receive permission from a person in control of another person, as well as other forms of coercion with the purpose of further sale, involvement in commercial sex or criminal activity, forced labor, slavery or similar conditions..." The statute was added to the Criminal Code in August 2003, and it was amended in 2004 and 2008.

Prosecutors and law enforcement officials have also charged trafficking suspects under Articles 130 (kidnapping), 132

(Recruitment of People for Exploitation), and 167 (Trade of Minors).

1B. Punishment of Sex Trafficking Offenses: What are the prescribed and imposed penalties for trafficking people for sexual exploitation?

Those found guilty of crimes under Article 130.1 are punishable by 5 to 8 years of imprisonment with confiscation of proceeds derived from the activity. The penalty increases to 12 to 15 years if committed multiple times, by an organized group, against two or more persons, or other aggravating circumstances.

Punishment for those found guilty under Article 130 (kidnapping) ranges from 5 to 10 years imprisonment to 12 to 20 years imprisonment under aggravated circumstances.

Punishment for those found guilty under Article 132 (which is the "recruitment of people for sexual or other exploitation, committed by fraud") ranges from a fine to 2 years imprisonment. The maximum jail terms rise to 2 to 5 years if committed by an organized group, and 5 to 12 years if committed with the "purpose of exporting individuals out of the Republic of Tajikistan."

Punishment for engaging in the "sale of minors" (Article 167) ranges from 5 to 8 years imprisonment, and from 10 to 15 years under aggravated circumstances.

1C. Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor?

Prosecutors would use the criminal provisions identified above, which also apply to labor traffickers.

1D. What are the prescribed penalties for rape or forcible sexual assault?

Rape (Article 138 of the Criminal Code) is punishable by 3 to 7 years imprisonment, and some aggravating circumstances increase the range to 7 to 10 years. Possible prison terms increase to 15 to 20 years in extreme aggravated circumstances.

Penalties for forcible sexual assault (Article 139) range from 5 to 7 years to 15 to 20 years. Sexual assault under duress

(Article 140) is punishable by a fine or up to 2 years imprisonment.

1E. Law Enforcement Statistics - provide numbers of investigations, prosecutions, convictions, and sentences imposed.

The government reported that it opened 24 criminal cases related

to trafficking in persons in 2009, compared to the 23 in 2008. It opened two 2 cases under article 130.1, "Trafficking in Persons". It prosecuted three cases and convicted three individuals under article 132, "deceptive recruitment". The

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government prosecuted 19 cases and convicted 25 individuals under article 167, "Trade in Underage Persons."

Despite the efforts of the Inter-Ministerial Commission,

Tajikistan does not systematically and accurately classify trafficking cases.

The government did not prosecute criminal cases involving use of forced or child labor in the 2009 harvest, reporting that no such cases occurred.

1F. Does the government provide any specialized training for government officials?

The government has facilitated systematic training on TIP issues to law enforcement and judicial officials. The Anti-TIP Commission, in cooperation with local NGO "Imran" has provided numerous training sessions and round tables on TIP issues. The government integrated trafficking issues into a training course at the police academy. Instructors of the course participated in a one-week curriculum development program facilitated by the OSCE.

250 to 300 Tajik officials attended training sessions delivered by IOM in the reporting period. IOM is also training border guards in Khorog and Dushanbe on TIP victim identification. A TIP training center within the Law Faculty in Dushanbe opened in January 2008, providing instruction to police, prosecutors and judges.

1G. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases?

The government is working closely with the USG to increase anti-TIP capacity. Embassy Dushanbe is funding a five-person team of Tajik prosecutors to travel to Dubai (a destination point for trafficked Tajik women) to interview witnesses, prepare evidence for prosecution in Tajik courts, and repatriate victims. The Prosecutor General's office says it has leads to at least 20 victims in Dubai whom it hopes to assist.

In October, the NGO "Imran" trained Afghan police officers on TIP issues at the USG-funded Center for Combating Human Trafficking at Tajik National University.

Tajikistan has increased its diplomatic staff in Dubai and Russia to assist trafficking victims and to coordinate with local immigration officials in TIP cases. Ministry of Interior officials said they maintain working relationships with counterparts in other CIS countries, particularly Russia.

The government signed a mutual legal assistance treaty with the U.A.E. in 2007, but noted that there are sometimes practical difficulties in dealing with U.A.E. law enforcement officials.

¶H. Does the government extradite persons who are charged with trafficking in other countries?

No such cases have been reported.

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¶I. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

IOM and NGOs did not receive any reports that government officials were involved in human trafficking or abused victims in 2009. High level government officials have shown the willingness to combat trafficking, and there has been no concrete evidence of direct government involvement in trafficking (outside of the cotton sector).

Unlike in previous years, local officials in Sughd and Khatlon did not organize brigades of students to participate in the cotton harvest. However, as noted, there were cases of forced/child labor. Ministry of Labor officials did not deploy inspection teams to prevent violations of the President's decree against forced/child labor in the cotton harvest. Ministry of Education officials did not discipline teachers or administrators who facilitated or directed such practices.

As discussed in Paragraph 25 (B), Local officials in Sughd Oblast directed government institutions, including schools and hospitals, to deploy state employees to participate in the cotton harvest.

¶J. If government officials are involved in trafficking, what steps has the government taken to end such participation?

The government did not investigate or prosecute officials for involvement in trafficking or trafficking-related corruption in ¶2009.

¶K. Not applicable.

¶L. Not applicable. No identified sex tourism problem.

PARAGRAPH 28: Protection and Assistance to Victims

¶A. What kind of protection is the government able under existing

law to provide for victims and witnesses?

There is no functioning witness protection program in Tajikistan.

1B. Does the country have victim care facilities (shelters or drop-in centers) which are accessible to trafficking victims?

There are 3 shelters for trafficking victims in Tajikistan, two in Dushanbe (one for children and one for adults), and one in Khujand (for minors). The USG funds two of these shelters, and IOM runs them. The third shelter, managed by the Children's Legal Center NGO, opened in September in Dushanbe. All trafficking victims - foreign and domestic - have access to the shelters' services, which include medical treatment,

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psycho-social services, and reintegration assistance. The country does not have specialized care facilities for male victims. The government did not provide financial assistance to these facilities during the reporting period.

1C. Does the government provide trafficking victims with access to legal, medical and psychological services?

The government facilitates access to legal services, and issuance of documents that enable victims to seek assistance or reintegrate. The government maintains psychological support centers for TIP and domestic violence victims in eight hospitals. The Committee for Women's Affairs (within the office of the president) had limited resources to assist victims, but local Committee Representatives referred women to government and NGO-managed "crisis shelters" for assistance. Local governments donated the premises for three of these shelters.

IOM reports an "increased willingness from the government to provide support to TIP victims".

1D. Does the government assist foreign trafficking victims?

Not applicable. There have been no reports of foreign trafficking victims in the reporting period.

1E. Does the government provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives?

No, the government generally does not have the resources or capacity to do so.

1F. Does the government have a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short-

or long-term care (either government or NGO-run)?

There is not a systematic referral process. A delegation of high-ranking members of the government travelled on a OSCE-sponsored study mission to Serbia and Macedonia to learn about victim referral mechanisms. They presented their findings at a roundtable attended by government officials. In response to their presentation, the Secretary of the TIP Commission stated that the government already had a referral mechanism (to referral victims to the existing shelters) and that no new mechanism was needed.

¶G. What is the total number of trafficking victims identified during the reporting period?

IOM reported that it assisted 47 trafficking victims in 2009, of whom 24 were adults and 23 minors. Of the adults, 4 were men who were labor trafficking victims. 17 of the women were victims of sexual trafficking and 3 were victims of labor trafficking. All of the minors were internal trafficking victims, mostly for labor exploitation and coercive pick-pocketing.

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Post has requested the government provide the number of victims it assisted or referred to a care facility during the reporting period. Post will provide the government's response to the Department via E-mail when it is received.

¶H. Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking?

The MVD's anti-TIP unit investigates leads to TIP cases. Many border guards receive training to identify possible TIP victims. Airport staff is trained to spot potential TIP victims, such as groups of unmarried women travelling to destination countries with an unrelated male. IOM reports that the Dubai Consul is proactive in identifying victims.

¶I. Are the rights of victims respected?

Generally, yes. Trafficking victims are not detained, fined or prosecuted.

The government sternly denies that security officials abused three TIP victims in 2008 and claims that it investigated the allegations and found them "groundless". Local NGOs and IOM received no reports that officials abused TIP victims in 2009.

¶J. Does the government encourage victims to assist in the investigation and prosecution of trafficking?

After interviewing TIP victims upon their return to Tajikistan, Government security officials referred victims to the available shelters. Victims were encouraged to participate in trafficking investigations and prosecutions; however, many authorities remained untrained and unskilled on interviewing and caring for victims of trafficking. Shelter officials have stated that they would prefer to meet with victims before they are interviewed by security officials. Victims have not filed civil suits against traffickers.

¶K. Does the government provide any specialized training for government officials in identifying trafficking victims? What is the number of TIP victims assisted by the host country's embassies abroad?

The government has provided such training to law enforcement officials, judicial officials, and consuls in conjunction with IOM and NGO "Imran".

The Inter-Agency Commission reports that, in coordination with international organizations, the government has facilitated the return of 24 victims of TIP to Tajikistan from July 2008 to June 2009. Tajik diplomats reported helping repatriate, in coordination with IOM, nine victims of sex trafficking from the UAE to Tajikistan in 2009. Tajik diplomats in Dubai arranged repatriation of trafficking victims and provided shelter for the victims at the Dubai Consulate.

Consuls have assisted victims in obtaining travel documents and making arrangements for repatriation. Tajikistan opened

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additional offices of its Migration Agency in the Russian Federation to further assist migrant laborers.

¶L. Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?

The government provides medical aid to repatriated victims.

It also assists victims in obtaining documents that enable victims to reintegrate.

¶M. Which international organizations or NGOs, if any, work with trafficking victims?

IOM engages in a wide range of anti-trafficking activities, including training, victim assistance, and public awareness.

The Organization for Security and Cooperation in Europe (OSCE),

European Union, and the United Nations have also supported victim assistance and prevention efforts. The Tajik NGO "Imran" works closely with the Anti-TIP commission and has delivered numerous training sessions to government officials.

PARAGRAPH 29: Prevention

1A. Did the government conduct anti-trafficking information or education campaigns during the reporting period?

Local government officials did not actively engage in anti-trafficking information campaigns, beyond its numerous TIP round tables for government officials.

1B. Does the government monitor immigration and emigration patterns for evidence of trafficking?

Not systematically. The State Committee on National Security and the Border Guards monitor immigration and emigration data, but it is unknown how this information affects policy.

1C. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters?

The Anti-TIP Commission coordinates the government's efforts to combat trafficking. All governmental agencies and departments involved in combating trafficking are members of the Commission, and meet regularly to coordinate efforts.

1D. Does the government have a national plan of action to address trafficking in persons?

The government passed the "Complex Program to Combat Trafficking in Persons in Tajikistan 2006-2010" in May

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12006. The Commission oversees implementation of this program, which includes benchmarks on material assistance, training, and coordination. The government will issue a new plan of action for beyond 2010 this year.

1E. What measures has the government taken during the reporting period to reduce the demand for commercial sex acts?

Prostitution remains illegal, and the government continues to investigate and prosecute such cases.

1F. Not applicable. No such cases reported.

1G. Not applicable.

PARAGRAPH 30: PARTNERSHIPS

1A. Does the government engage with other governments, civil society, and/or multilateral organizations to focus attention on and devote resources to human trafficking?

The government cooperates with the USG, IOM, the OSCE, and local NGOs to train officials on TIP issues, better identify and assist victims, and increase capacity to prosecute TIP cases. The Tajik government has regular discussions with the Russian government on labor migration issues and seeks the support of the Russian government to improve conditions and increase support for the rights of Tajik labor migrants.

1B. International assistance to other countries to address TIP.

As noted, the NGO "Imran" trained Afghan police officers on TIP issues at the USG-funded Center for Combating Human Trafficking at Tajik National University.

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Various Embassy Officers: 8 hours.
QUAST